

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Gerald Vap present and Commissioner Frank Landis excused. Chairman Schram invited the public to address the Commission and also announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published May 10, 2011 on Page 16 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 17, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, May 17, 2011:

C-4328/
PI-176
1:30 Commission Hearing Room, Lincoln. In the Matter of the Commission, on its own motion, seeking to investigate issues related to the service quality associated with intrastate interexchange service including the origination, termination, and routing of interexchange calls. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-4347 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to lease dark fiber to Pinpoint Communications, Inc., Cambridge: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve a dark fiber lease agreement. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

C-4348 In the Matter of the Application of Ionex Communications North, Inc., Atlanta, Georgia, seeking authority for financing approval: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

C-4354/
DC-79 In the Matter of the Nebraska Public Service Commission regarding the 2010 Annual Report Filings. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter orders to show cause and schedule a hearing for August 9, 2011, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter orders approving the applications in Dockets C-4350 and C-4352. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

C-4350 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of an interconnection agreement with Verizon Wireless, Washington, DC.

C-4352 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of an amendment to the Interconnection Agreement with DIECA Communications, Inc. d/b/a Covad Communications Company, Austin, Texas, previously approved in Docket C-3351 and C-3635.

E-2283 In the Matter of the Application of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Nance County: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

C-4302 In the Matter of the Application of Cellco Partnership d/b/a Verizon Wireless, Lewisville, Texas, and its subsidiaries and affiliates to amend eligible telecommunications carrier designation in the State of Nebraska. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission that four Hearing Officer orders were entered. On May 10, 2011, an order was entered on motions to compel and procedural order. On May 11, 2011, an order was entered on a motion to limit interveners participation and a second order was entered on a motion to strike the testimony of witness Peter Bluhm. On May 12, 2011, an order was entered admitting a non-resident attorney.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-020.05/In the Matter of Sue Vanicek, Director of the Nebraska Telephone Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Broadview Networks, Inc.; Cozad Telephone Company; Dark Fiber Solutions, Inc.; Ernest Communications, Inc.; Lightyear Network Solutions, LLC; McLeod USA Telecommunications Services/Paetec Business Services; Northstar Telecom, Inc.; NOS Communications, Inc.; Reliance Communications, Inc.; Sprint Communications, LP; TCG Omaha; Wholesale Carrier Services, Inc.; and XO Communications Services, Inc., Respondent(s):

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-020.05/Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order scheduling a Show Cause hearing for July 26, 2011 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting. Commissioner Jerry Vap was appointed as Hearing Officer.

NUSF-1, In the Matter of the Commission, on its own motion, seeking P.O. #7 to establish guidelines for administration of the Nebraska Universal Service Fund: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to grant NetOne International's request for an extension of time until September 15, 2011, to complete the NUSF Worksheet Audit that was due December 31, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

NUSF-77 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the NUSF: Sue Vanicek discussed the Hearing Officer's order entered May 12, 2011, approving the motion to admit a non-resident attorney.

NATURAL GAS DEPARTMENT

NG-0061/ In the Matter of Black Hills/Nebraska Gas Utility Company, HS-0032 LLC, d/b/a Black Hills Energy, Omaha, seeking a General Rate Increase for Black Hills Energy's Rate Areas One, Two and Three (Consolidated). Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter Assessment Order HS-0032. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

Rate Division

BR-388 In the Matter of Cooter, LLC, Columbus, seeking authority to set its rates and charges: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The Tariff 7F fuel surcharge was retained at \$1.20 per mile, and the Tariff 22 fuel surcharge was decreased to \$8.24 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-1503/ In the Matter of the Application of Trinidad/Benham
GW-1944 Corp. dba The Trinidad Bean & Elevator Company, Denver, Colorado seeking a \$100,000.00 deductible on its stock insurance: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to grant the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

GW-2127 In the Matter of the Application of The Scoular Company,
et al Omaha, Nebraska, seeking a \$25,000.00 deductible on its stock insurance: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to grant the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Schedule In the Matter of Fixing Reasonable Storage Rates and
A & E Charges for Public Grain Warehouses: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle to enter the order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Grain Dealer Division

GD-2182 In the Matter of the Application of Bow Valley Elevator, L.L.C., Hartington, Nebraska, seeking authority as a grain dealer pursuant to Neb. Rev. Stat. Section 75-903 (Reissue 1996): Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to grant the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

GENERAL ADMINISTRATION

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

GENERAL ADMINISTRATION (Cont.)

AS Central Services-IM Services	\$	977.09
AS Central services-Office Depot		1,264.36
Attorney General		5,444.00
Rod Johnson		1,158.72

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to enter into closed session to discuss personnel issues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting. The Commission entered into closed session at 10:25 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting. The Commission returned to open session at 10:43 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to change a Housing and Recreational Vehicle Department employees status from permanent part-time to full-time status for the period of May 16, 2011 to June 15, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to extend an offer of employment to fill an open position in the General Administration Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

The meeting adjourned at 10:43 a.m. with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Gerald Vap present and Commissioner Frank Landis excused. The next regularly scheduled meeting will be held on May 24, 2011, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on May 23, 2011.

Chair man

Executive Director